



UNITED STATES PATENT AND TRADEMARK OFFICE

Ad

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,516	06/18/2001	Adam Levine	A34143-072797.0133	4389

21003 7590 09/12/2002

BAKER & BOTTS  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

PAIK, STEVE S

ART UNIT PAPER NUMBER

2876

DATE MAILED: 09/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/883,516

Applicant(s)

LEVINE ET AL.

Examiner

Steven S. Paik

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 recites the limitation "said slave radio module" in line 8. There is insufficient antecedent basis for this limitation in the claim. The examiner suggests with respect that amending the limitation to -- a slave radio module -- to overcome the issue. Appropriate correction is required.

3. Claim 5 recites the limitation "said master unit" in line 3. There is insufficient antecedent basis for this limitation in the claim. The examiner respectfully suggests amending the limitation to -- a master unit -- to overcome the issue. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claim 5 is rejected under 35 U.S.C. 102(a) as being anticipated by applicant's admitted prior art (AAPA).

Regarding claim 5, AAPA discloses a method for establishing a master/slave data communication link (page 1, 2<sup>nd</sup> paragraph), comprising:

providing a machine-readable identification device on a slave unit (page 1, line 5 of the 2<sup>nd</sup> paragraph);

reading the identification device with a reader associated with a master unit (a point-of-sale terminal) to obtain identification data;

determining a slave address of the slave unit from the identification data (Bluetooth device address); and

operating the master unit to associated with the slave unit (page 1, lines 6-8 of the 2<sup>nd</sup> paragraph).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Hagan et al. (USP 6,424,830) in view of Hudetz et al. (USP. 6,199,048).

Regarding claims 1-8, O'Hagan discloses a point-of-sale system (Fig. 1 and see col. 4, ll. 12-16) for acquiring bar code data relating to a transaction where a first barcode scanner is arranged to scan bar codes and provides data relating to scanned bar codes to a processor (host computer 16 inherently has a processor), and a second portable bar code scanner (14 in Fig. 2 or 3) including a radio module (radio transceiver 66 in Fig. 4) for acting as a slave unit using a master/slave data communication (between host computer 16 and portable data terminal 14) and a master radio module (within host computer 16) acts as a master (host) for communication with a slave radio module (within a portable data terminal 14) in response to information packets. He does not disclose or fairly suggest the second scanner including an identifying bar code

representing an IP address or a network address of the device. Instead, the information packets include a specific and unique IP address or network address for each portable data terminal (14).

Hudetz discloses a method for disseminating and entering network addresses in the form of existing identification standards such as barcodes (col. 3, ll. 38-40). A user can simply eliminate the lengthy manual data entry of a network address and quickly review the lists. Furthermore, the bar-coded address can also be printed on removable stickers which can be attached to any network resources with an appropriate network address. In addition, a user can access the particular network resource at a desired site by simply using a barcode reader. The bar-coded network address is particularly useful when the user reads about a network resource at a desired site at a time when he does not have access to a computer (col. 4, ll. 12-18).

In view of Hudetz's teaching, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to further employ a bar-coded network address as an identifying code in addition to the wireless POS system of O'Hagan due to the fact that more efficient wireless communication between a slave device (portable data terminal) and a master device (host computer) can be achieved by eliminating the lengthy manual data entry process of a network address and being able to review and access a particular network resource (any peripherals including a portable data terminal) without requiring the access to a computer.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Russell et al. (USP 6,412,699) disclose a code symbol reader used to read a code symbol encoded with information related to a predetermined URL.

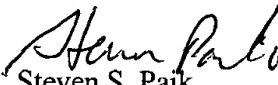
Art Unit: 2876

Larsson et al. (USP 6,201,811) disclose an identifier information in a wireless telecommunications system.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven S. Paik whose telephone number is 703-308-6190. The examiner can normally be reached on Mon - Fri (7:00am-3:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-6893 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0530.

  
Steven S. Paik  
Examiner  
Art Unit 2876

ssp  
September 7, 2002

  
MICHAEL G. LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800